

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LANDMARK AMERICAN INSURANCE
COMPANY a/s/o PARAGON VILLAGE,
LLC,

Plaintiff,

v.

FDC FIRE PROTECTION, INC., MSC FIRE
& SAFETY, INC., and W.J. MALONE
ASSOCIATES, INC.,

Defendants.

Civil Action No. 08-3513 (GEB)

ORDER

BROWN, Chief Judge

This matter having been brought before the Court by Defendant MSC Fire and Safety, Inc.'s Motion for Summary Judgment and Defendant FDC Fire Protection, Inc.'s Motion for Joinder; and it appearing that the Motion for Summary Judgment was filed on January 9, 2009, and that the Motion for Joinder was filed on January 8, 2009; and it appearing that the Court issued an Order on January 27, 2009, granting Plaintiff leave to Amend the Complaint; and it appearing that Plaintiff filed an Amended Complaint on January 29, 2009, which superceded the original July 14, 2008 Complaint; and it appearing that the pending Motion for Summary Judgment only applied to the original July 14, 2008 Complaint; and it appearing that W.J. Malone was added as a defendant in this matter in the Amended Complaint and can not, therefore, be considered a third party;

IT IS THIS 25th day of February, 2009,

ORDERED that Defendant MSC Fire and Safety, Inc.'s Motion for Summary Judgment

(Docket Entry No. 14) is DISMISSED without prejudice; and it is further

ORDERED that Defendant FDC Fire Protection, Inc.'s Motion for Joinder (Docket Entry No. 12) is DENIED.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.